

HOUSE BILL 170

By Casada

AN ACT to amend Tennessee Code Annotated, Title 32.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 32-1-106, is amended by deleting the section in its entirety and by substituting instead the following:

Section 32-1-106.

(a) A nuncupative will may be made only by a person in imminent peril of death, whether from illness or otherwise, and shall be valid only if the testator died as a result of the impending peril, and must be:

(1) Declared to be the testator's will by the testator before two (2) disinterested witnesses;

(2) Reduced to writing by or under the direction of one (1) of the witnesses within thirty (30) days after such declaration; and

(3) Submitted for probate within six (6) months after the death of the testator.

(b) The nuncupative will may dispose of personal property only and to an aggregate value not exceeding ten thousand dollars (\$10,000), except that in the case of persons in active military, air or naval service in time of war the aggregate amount may be fifty thousand dollars (\$50,000).

(c) A nuncupative will neither revokes nor changes an existing written will.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.